

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA  
REGULAR MEETING SEPTEMBER 8, 2008 7:00 P.M.  
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL  
209 PEARL STREET

OFFICE OF:  
CITY CLERK  
(712) 328-4616

**AGENDA**

**1. PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER**

**3. CONSENT AGENDA**

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the August 25, 2008 regular Council meeting
- C. Resolution 08-255, setting date of public hearing for October 27, 2008 on the intent to accept the redevelopment proposal submitted by Continental Iowa Outlets, LLC (Continental) and directing the City Clerk to publish notice inviting other redevelopment proposals on property located west of South 24<sup>th</sup> Street between 23<sup>rd</sup> and 26<sup>th</sup> Avenues in the MAC Urban Renewal Area

**4. PUBLIC HEARINGS:**

- A. Resolution 08-256, to vacate and to dispose of a 13, 562 square foot portion of South 7<sup>th</sup> Street right-of-way abutting 2910 South 7<sup>th</sup> Street, City of Council Bluffs, Pottawattamie County, Iowa
- B. Resolution 08-257, authorizing disposal of City property legally described as a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43
- C. Resolution 08-258, authorizing disposal of City property legally described as Lot 243, Twin Cities Plaza
- D. Resolution 08-259, approving assessing of costs for securing certain buildings within the City of Council Bluffs, Iowa
- E. Resolution 08-260, approving the plans, specification, form of contract and cost estimate for the US Highway 275 Street Lighting
- F. Resolution 08-261, approving voluntary annexation of approximately 230 acres abutting the southeast corporate boundary

**5. ORDINANCES ON SECOND READING:**

- A. Ordinance 6010, amending Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor"
- B. Ordinance 6011, repealing Ordinance No. 5299 which approved the tax increment financing district for the East Broadway Urban Renewal Area



**6. RESOLUTIONS:**

- A. Resolution 08-262 to name the Missouri River Pedestrian Bridge
- B. Resolution 08-263, authorizing the Finance Director to purchase one new bridge crane for the new Fleet Maintenance Facility
- C. Resolution 08-264 authorizing the Mayor and City Clerk to execute IDOT cooperative agreement No. 2008-16-16S in connection with the Iowa West Foundation sculptures at the 24<sup>th</sup> Street bridge over Interstate 80
- D. Resolution 08-265 rejecting the bid from MFT Construction, Inc., for the US 275/Missouri River Stormwater pump station
- E. Resolution 08-266, authorizing City officials to endorse checks, notes, drafts, bills of exchange, and acceptances on behalf of the City of Council Bluffs in connection with its accounts at various area banks
- F. Resolution 08-267, authorizing the approval of contracts for the emergency tree removal and related services 2008 FEMA event and authorizing and directing the Mayor and City Clerk to execute an agreement with McCullough's Tree Service for said work
- G. Resolution 08-268 supporting the legal action filed by the State of Iowa against the National Gaming Commission regarding the classification of property in Carter Lake, Iowa as "restored lands" making the property gaming eligible
- H. Resolution 08-269, authorizing the Mayor and City Clerk to enter into a purchase agreement for a comprehensive content management system from Civic Systems LLC
- I. Resolution 08-270, supporting the Neighborhood Center to establish a Council Bluffs office and to implement a five year neighborhood organization and capacity building initiative

**7 RECEIVE AND FILE ITEMS:**

- A. Two Notices of Claim/Loss
- B. Two Notices to Redeem from Tax Sale:  
3518 Stuart Blvd  
2019 5<sup>th</sup> Avenue

**8. APPLICATIONS FOR PERMITS AND CANCELLATIONS:**

- A. Application for renewal of liquor license:  
Huhot Mongolian Grill, 3120 Manawa Centre Dr.      Larosita, 2040 West Broadway
- B. Application for retail cigarette/tobacco permit:  
Bottom's Up Lounge, 2800 Twin City Drive      In Between Lounge, 2700 2<sup>nd</sup> Avenue  
Mike's Place, 162 West Broadway

**9. CITIZENS REQUEST TO BE HEARD:**

**10. ADJOURNMENT**

## **Record of Proceedings**

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order Monday, August 25, 2008 at 7:00 p.m.
<b>ATTENDANCE</b>	Present: Councilmembers Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Thomas Hanafan Staff present: Dick Wade, City Attorney, Judith Ridgeley, City Clerk
<b>CONSENT AGENDA</b>	Schultz and Branigan moved and seconded to amend the Consent Agenda by removing Resolution 08-243 for separate consideration. Unanimous Belt and Bates moved and seconded approval of the Consent Agenda as amended. Unanimous
Resolution 08-243	Belt and Walsh moved and seconded approval of Resolution 08-243, intent to vacate a portion of S. 7 <sup>th</sup> Street ROW abutting 2910 S 7 <sup>th</sup> Street and setting public hearing for September 8, 2008 at 7:00 p.m. ROLL CALL VOTE: 4 Aye, 1 Abstain (Schultz)
<b>ORDINANCES ON SECOND READING</b> Ordinance 6009	Belt and Branigan moved and seconded approval of Ordinance 6009, amending the effective dates for Ordinance 5986 and amending Section 3 of Ordinance 6000. Unanimous Walsh and Belt moved and seconded to waive third reading of Ordinance 6009. Unanimous
<b>ORDINANCES ON FIRST READING</b> Ordinance 6010	Belt and Walsh moved and seconded approval of Ordinance 6010, amending Chapter 8.18 of the Municipal Code. Unanimous
Ordinance 6011	Belt and Branigan moved and seconded approval of Ordinance 6011, repealing the tax increment financing district for the East Broadway Urban Renewal Area. Unanimous
<b>RESOLUTIONS</b> Resolution 08-248	Bates and Branigan moved and seconded approval of Resolution 08-248, adopting a Planned Commercial Development Plan for the Wedge Action Sports Complex. Mr. Josh Schultz, Lake Mills, WI, was present to speak in favor of the proposed development. Bates and Schultz moved and seconded to amend the Resolution by providing for two digital signs near interstate right-of-way. Unanimous. Bates and Branigan concurred with the amendment. Unanimous.
Resolution 08-249	Belt and Bates moved and seconded approval of Resolution 08-249, authorizing the Mayor to execute the first addendum to the agreement for private development between the City and Council Bluffs Retirement LLC. Unanimous
Resolution 08-250	Belt and Branigan moved and seconded approval of Resolution 08-250, repealing the East Broadway urban Renewal Plan and Area. Unanimous
Resolution 08-251	Branigan and Bates moved and seconded approval of Resolution 08-251, setting date for consultation and public hearing on proposed Amendment No. 3 to the Mid-America Center Urban Renewal Plan. Unanimous

**RECORD OF PROCEEDINGS**

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**Resolution 08-252** Belt and Branigan moved and seconded approval of Resolution 08-252, accepting work of MFT Construction in connection with the 10<sup>th</sup> Avenue Storm Sewer Improvements and authorizing the Finance Director to issue a City check in the amount of \$16,958.92. Unanimous

**Resolution 08-253** Branigan and Bates moved and seconded approval of Resolution 08-253, authorizing the Mayor to execute a non-binding letter of intent to enter a development agreement with Continental Iowa Outlets, LLC for use of urban renewal and other assistance. Unanimous

**Resolution 08-254** Belt and Branigan moved and seconded approval of Resolution 08-254, authorizing the Mayor to execute an agreement with Eriksen Construction Company, Inc., for the digester cover repair project. Unanimous

**RECEIVE AND FILE ITEMS**

Branigan and Belt moved and seconded to receive and file the following:

- a) Letter from citizen Tom Hirschert
  - b) List of Bills, July 31, 2008
  - c) Cash Balance statement, July 31, 2008
  - d) Ten Notices of Expiration of Right of Redemption
  - e) Five Notices of Claim/Loss
  - f) One Notice of Appeal, Property Tax Assessment
- Unanimous

**APPLICATIONS FOR  
PERMITS OR  
CANCELLATIONS**

Belt and Branigan moved and seconded approval of the following applications:

- a) Application for renewal of liquor license:

Atherton Automotive	La Mesa Restaurant
Big K Mart	Mid America Center
D & J's Fuel Stop	Pilot Travel Center
Godfather's Pizza	Sam's Club
Godfather's Pizza	Sinclair Retail
Jonesy's Taco House	Wal Mart Superstore
- b) Application for temporary liquor license:

HyVee Oktoberfest	Holy Family Catholic
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- c) Application for new liquor license:  
Uncle Mike & Maggie's Irish Pub
- d) Application for Special Event:

Scott Street Pub	J & M Displays
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- e) Applications for Cigarette/Tobacco Permit:

I-80 Liquor	Sam's Club
Wal Mart Supercenter	

Unanimous

**CITIZEN'S REQUEST TO  
BE HEARD**

Mr. Tom Hirschert, owner/manager of T's Tavern, 2400 9<sup>th</sup> Avenue requested City Council consider a change to the "outdoor dining" ordinance to allow him to construct an outdoor area for his patrons to drink and smoke outside of the building premises.

**RECORD OF PROCEEDINGS**

Councilmember Schultz directed Staff to prepare a resolution of support for the Iowa Attorney General's lawsuit against the Ponca Indian Tribe and to place such resolution on the September 8, 2008 Council agenda. He also instructed that a copy of the resolution be forwarded to all cities in Pottawattamie County to gather additional support.

**ADJOURNMENT**

There being no further business, Schultz and Belt moved and seconded to adjourn the meeting at 7:33 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

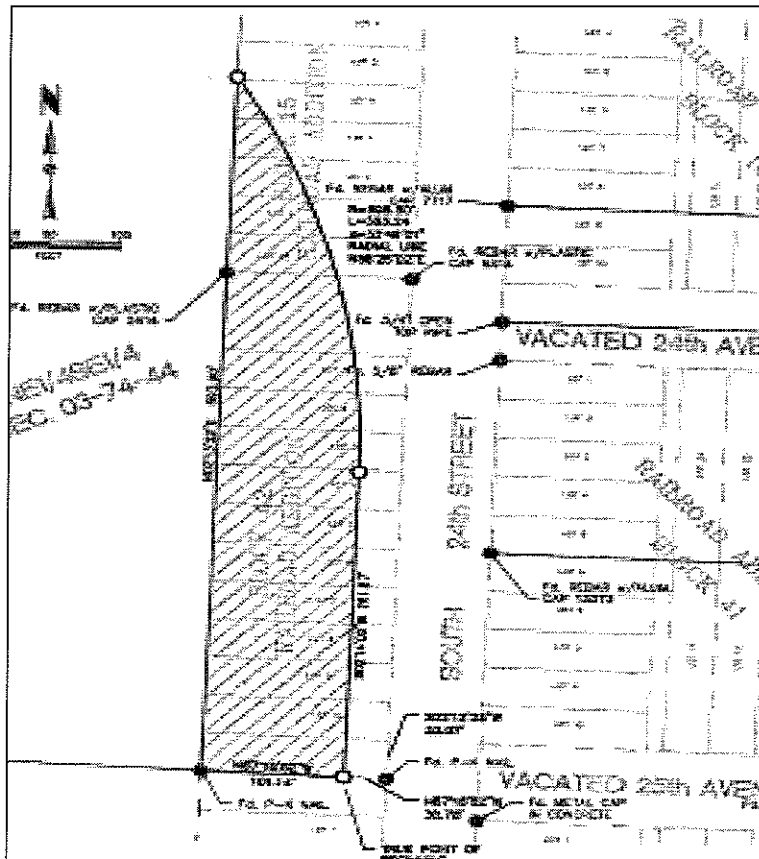
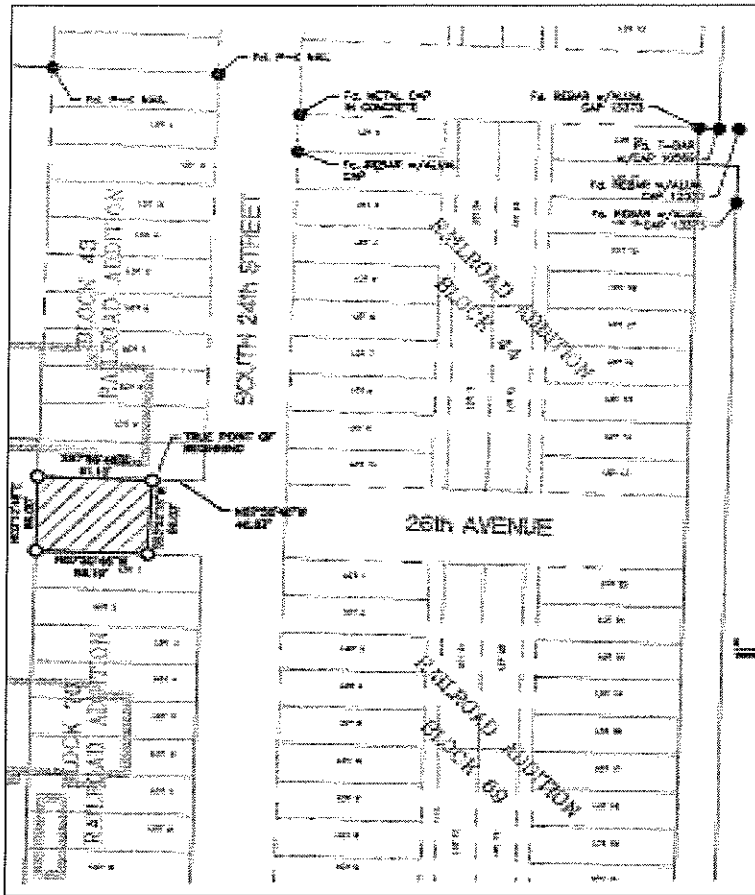
ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

## Council Communication

Department: Community Development	Resolution No. 08 – <u>08-255</u>	Resolution of Intent: 9/8/08
Applicant: Continental Iowa Outlets, LLC		Public Hearing: 10/27/08
<b>Subject/Title</b> Proposal for the acquisition and redevelopment of City owned property located west of South 24 <sup>th</sup> Street between 23 <sup>rd</sup> and 26 <sup>th</sup> Avenues		
<b>Background/Discussion</b> Continental Iowa Outlets, LLC has submitted a proposal to the City which involves the redevelopment of property located west of South 24 <sup>th</sup> Street between 23 <sup>rd</sup> and Mid American Drive. This redevelopment project would involve the acquisition of several existing properties. Upon the completion of demolition and site preparation, a 374,000 square foot retail center would be constructed. The Continental proposal requests the acquisition of several City owned properties adjacent to South 24 <sup>th</sup> Street.  Section 403.8 of the Iowa Code requires the City to dispose of property within an urban renewal area through specific procedures. These procedures include holding a public hearing on the redevelopment proposal and soliciting other proposals. Specific public notice requirements exist for both actions.  Attached for City Council consideration is a resolution setting October 27, 2008 as the date of public hearing on the intention to accept the redevelopment proposal submitted by Continental. The resolution also directs the City Clerk to publish notice soliciting other redevelopment proposals to be submitted. To be considered, proposals will need to be submitted within thirty (30) days of the public notice. City Council review of the submitted proposals, including the Continental proposal, will be scheduled for the October 27, 2008 City Council meeting.		
<b>Recommendation</b> Adopt resolution setting the date of the public hearing on the intention to accept the redevelopment proposal submitted by Continental and directing the City Clerk to publish notice inviting other redevelopment proposals on property located in the MAC urban renewal area.		
Attachments: Property Maps <b>Prepared By:</b> Donald Gross, Community Development Department		





**RESOLUTION NO. 08-255**

**A RESOLUTION SETTING THE DATE OF THE PUBLIC HEARING ON THE INTENT TO ACCEPT THE REDEVELOPMENT PROPOSAL SUBMITTED BY CONTINENTAL IOWA OUTLETS, LLC (CONTINENTAL) AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE INVITING OTHER REDEVELOPMENT PROPOSALS ON PROPERTY LOCATED WEST OF SOUTH 24<sup>TH</sup> STREET BETWEEN 23<sup>RD</sup> AND 26<sup>TH</sup> AVENUES IN THE MAC URBAN RENEWAL AREA.**

- WHEREAS, Continental submitted a redevelopment proposal to the City of Council Bluffs dated August 29, 2008, for property located west of S 24<sup>th</sup> Street between 23<sup>rd</sup> and 26<sup>th</sup> Avenues; and
- WHEREAS, the Continental redevelopment proposal requests assistance from the City through the MAC Urban Renewal Area; and
- WHEREAS, urban renewal assistance may be provided through a variety of forms and can include the acquisition and disposition of property for private redevelopment; and
- WHEREAS, the Continental redevelopment proposal would involve the acquisition and disposition of property to private persons; and
- WHEREAS, the Iowa Code requires the City to dispose of real property that is located in an urban renewal area to private persons only under reasonable and competitive procedures; and
- WHEREAS, the Iowa Code further requires the City to provide notice by publication having a general circulation in the community 30 days prior to the execution of a contract to transfer property or a contract involving the transfer of property; and
- WHEREAS, the Iowa Code also requires the City to invite proposals from and make available all pertinent information to any persons interested in redeveloping properties in said urban renewal area; and
- WHEREAS, the City will consider all redevelopment proposals submitted by 10:00 a.m. on October 13, 2008 and select the proposal it deems to be in the public interest and best meets the objectives of the MAC Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That a public notice shall be made inviting other redevelopment proposals to be submitted within thirty (30) days as required by Section 403.8 of the Iowa Code.



SECTION 2. That all proposals submitted shall be considered by the City Council at its meeting which commences at 7:00 o'clock p.m. on October 27, 2008, in the Council Chambers, City Hall, Council Bluffs, Iowa.

SECTION 3. That the City Clerk is authorized and directed to publish notice of the invitation in the Council Bluffs Daily Nonpareil, once on a date not less than thirty (30) days before the date of City Council consideration to be substantially in the following form:

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**REQUEST FOR REDEVELOPMENT PROPOSALS ON PROPERTY  
LOCATED IN THE MAC URBAN RENEWAL AREA**

The City of Council Bluffs is accepting proposals for the redevelopment of property located west of South 24<sup>th</sup> Street between 23<sup>rd</sup> and 26<sup>th</sup> Avenues. This area is located in the MAC Urban Renewal Area as permitted under Chapter 403 of the Iowa Code. Proposals will be accepted until 10:00 a.m. on October 13, 2008. Proposals must contain information on the experience of the project developer, project description, source and use of funds, and project schedule. The City reserves the right to reject any or all proposals. A complete request for proposal and requirements of submission may be obtained from the Community Development Department, 209 Pearl Street, Council Bluffs, Iowa. For additional information concerning the request for proposal or urban renewal procedures and activities, contact Donald Gross at 712-328-4629.

Dated this 11th day of September, 2008.

\_\_\_\_\_  
Judith Ridgeley, City Clerk  
City of Council Bluffs, Iowa

**END OF NOTICE**

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SECTION 4. That a public hearing shall be held on the intent to accept the redevelopment proposal submitted by PCDC before the City Council at its meeting which commences at 7:00 p.m. on October 27, 2008, in City Council Chambers, City Hall, Council Bluffs, Iowa.

SECTION 5. That the City Clerk is authorized and directed to publish notice of this public hearing in the *Council Bluffs Daily Nonpareil*, once on a date not less than (30) days before the date of said public hearing to be in substantially the following form:

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**NOTICE OF PUBLIC HEARING OF INTENT TO ACCEPT REDEVELOPMENT PROPOSALS ON  
PROPERTY LOCATED IN THE WEST BROADWAY URBAN RENEWAL AREA**

Notice is hereby provided that the City Council for the City of Council Bluffs, Iowa, has expressed its intent to accept a redevelopment proposal for the redevelopment of property located west of South 24<sup>th</sup> Street between 23<sup>rd</sup> and 26<sup>th</sup> Avenues contained within the MAC Urban Renewal Area. A copy of the proposal and the Urban Renewal Plan are on file with the Community Development Department located at 403 Willow Avenue, Council Bluffs, Iowa. You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 27th day of October, 2008, in the City

Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa, at which time and place all persons interested in said matter will be given an opportunity to be heard.

Dated this 11<sup>th</sup> day of September 2008.

\_\_\_\_\_  
Judith Ridgeley, City Clerk  
City of Council Bluffs, Iowa

**END OF NOTICE**

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APPROVED  
AND  
ADOPTED

September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

\_\_\_\_\_  
Judith Ridgeley, City Clerk

## Council Communication

<b>Department:</b> Community Development <b>Case No. SAV-08-008</b> <b>Applicant:</b> Blue Beacon Intl Inc. <b>Rep. -</b> Dana Morse 800 Graves Blvd. Salina, KS 67401	<b>Resolution of Intent No.</b> <u>08-243</u>  <b>Resolution to Dispose:</b> <b>No.</b> <u>08-256</u>	<b>City Council:</b> September 8, 2008  <b>Planning Commission:</b> August 12, 2008
<b>Subject/Title</b>  Blue Beacon International requests vacation of 13,562 square feet of South 7 <sup>th</sup> Street right-of-way abutting 2910 South 7 <sup>th</sup> Street as shown in Attachment 'A'. Blue Beacon intends to relocate their truck wash from Sapp Brothers to Larry's Diesel property owned by Larry and Gloria South.		
<b>Background/Discussion</b>  Blue Beacon International Inc. has an agreement to purchase Larry's Diesel at 2910 South 7 <sup>th</sup> Street in order to relocate their current truck washing operation from Sapp Brothers. When the initial plans were reviewed by Public Works, the curb cuts required to handle truck access exceeded the maximum width allowed with City standards, so vacation of the abutting right-of-way was suggested. If vacated, the street would dead-end, so a turn-around for emergency vehicles is needed. Blue Beacon needs the entire width of the right-of-way in order to accommodate the turning radius of the trucks that will be using the site. The right-of-way is 120' wide and a hammerhead turn-around as shown on Attachment 'B' can be constructed within the right-of-way. The cost of constructing the turn-around to City standards is the responsibility of the applicant.  City policy is to notify abutting landowners of vacation requests to determine their interest in acquiring half of the property, if vacated. Enterprise Rent-a-Car and a cell tower are located on the property addressed at 3001 South 7 <sup>th</sup> Street, owned by Ainsworth Photo-Printing Inc. They favor the vacation and wish to purchase their portion, even though it does not appear to either benefit or negatively impact their operation. The area to be vacated abuts 75' along the northern tip of their land. The remaining 338' abuts the property Blue Beacon wishes to acquire. Blue Beacon cannot proceed without acquiring the entire vacated right-of-way.  The Community Development Department has agreed to advise the Iowa Department of Transportation (IDOT) of all development within a defined area so they can assess potential impacts to the Interstate reconstruction project within the City. IDOT notes the potential for construction and permanent maintenance easements in the future. If there are no utility relocations then the right-of-way needs are minimal. IDOT is not opposed to the vacation and will be informed of any future building permit applications on the site.  The Water Works has a 12" main crossing the subject property to connect along South 7 <sup>th</sup> Street on both sides of the Interstate. The main must be kept in service and the easement retained. Structures cannot be built over the easement. Aquila (Black Hills Energy) has a 2" high-pressure gas line that serves only Larry's Diesel. All costs incurred to relocate the gas line will be borne by the owner, with easements as necessary provided at no cost to the utility.		

Vacation and conveyance of the entire right-of-way to the applicant is consistent with the guidelines within the *Policy and Procedures for Alley, Street and Right-of-way Vacations* as adopted by City Council on August 25, 2003.

1. No abutting property owner will be deprived of required and reasonable access to their property.
2. South 7<sup>th</sup> was dead-ended with Interstate construction. Vacation will shorten the length of the dead-end street and cause construction of a turn-around built to City standards.
3. A potentially dangerous traffic condition will be reduced, resulting in decreased liability to the City in the form of damages, injury and or maintenance.
4. Granting the vacation as requested will ensure adequate vehicular circulation.
5. The street is not identified for reconstruction on any city improvement project or adopted plan.
6. The vacation request is consistent with the goals and objectives of the Comprehensive Plan.

#### **Recommendation**

The Community Development Department recommends vacating and conveying the entire portion of South 7<sup>th</sup> Street right-of way, as shown on Attachment 'A', to the applicant, subject to the following conditions:

1. Easements for all utilities shall be retained.
2. The vacated right-of-way shall be conveyed by City deed to the owner, heirs and assigns for the amount as determined by the adopted fee schedule, upon completion of the proposed street improvement and acceptance and dedication of those improvements by the Public Works Department.

#### **Public Hearing**

Dana Morse, representing Blue Beacon International, Inc. appeared before the Planning Commission in favor of the request. Jeff Coats, 535 West Broadway, Suite 200, Council Bluffs, IA, representing Ainsworth Photo-Printing appeared in opposition.

#### **Planning Commission Recommendation**

The Planning Commission recommends vacating and conveying the entire portion of South 7<sup>th</sup> Street right-of-way to the applicant, Blue Beacon International subject to the conditions in the staff report.

VOTE: AYE 8    NAY 1    ABSTAIN 0    ABSENT 2    Motion: Carried

Attachments 'A', and 'B' and letter from Jeffrey Coats

Prepared by: Gayle M. Malmquist, Development Services Coordinator



RESOLUTION NO. 08-256

A RESOLUTION TO VACATE AND TO DISPOSE OF A 13,562 SQUARE FOOT PORTION OF SOUTH 7<sup>TH</sup> STREET RIGHT-OF-WAY ABUTTING 2910 SOUTH 7<sup>TH</sup> STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: A 13,562 square foot portion of South 7<sup>th</sup> Street right-of-way abutting 2910 South 7<sup>th</sup> Street as described on attached Exhibit 'A', City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owners upon completion of the proposed street improvements and acceptance and dedication of those improvements by the Public Works Department; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed upon completion of the proposed street improvements and acceptance and dedication of those improvements by the Public Works Department as follows:

Blue Beacon International, Inc. and all successors in interest: All of the vacated 13,562 square foot portion of South 7<sup>th</sup> Street right-of-way abutting 2910 South 7<sup>th</sup> Street as described on attached Exhibit 'A' for the sum of \$4,956.00.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way in consideration of the sum set out above upon completion of the proposed street improvements and acceptance and dedication of those improvements by the Public Works Department, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

STATE OF IOWA     )  
COUNTY OF         )ss  
POTTAWATTAMIE)

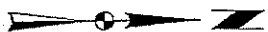
On this \_\_\_\_\_ day of \_\_\_\_\_, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State

## RIGHT OF WAY VACATION DESCRIPTION

A PART OF S. 7TH STREET RIGHT OF WAY BEING A PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, THENCE SOUTH 15°59.12' WEST ALONG THE WEST LINE THEREOF 687.75 FEET, THENCE SOUTH 87°55.44' EAST 306.48 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID 7TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 20,063.50 FEET, WHOSE ARC LENGTH IS 119.98 FEET, AND WHOSE CHORD BEARS NORTH 20°06.50' WEST, 119.94 FEET TO THE NORTHWESTERLY CORNER OF SAID S. 7TH STREET RIGHT OF WAY, THENCE NORTH 71°53'44" EAST ALONG THE NORTHERLY LINE OF SAID S. 7TH STREET RIGHT OF WAY, 58.81 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID S. 7TH STREET, THENCE SOUTH 48°17'23" EAST ALONG SAID RAMP B RIGHT OF WAY 43.24 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID S. 7TH STREET, THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1850.00 FEET, WHOSE ARC LENGTH IS 75.17 FEET, AND WHOSE CHORD BEARS SOUTH 20°11'46" EAST 75.16 FEET, THENCE SOUTH 68°08'24" WEST 120.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.31 ACRES (13,562 SQ. FT.) MORE OR LESS.

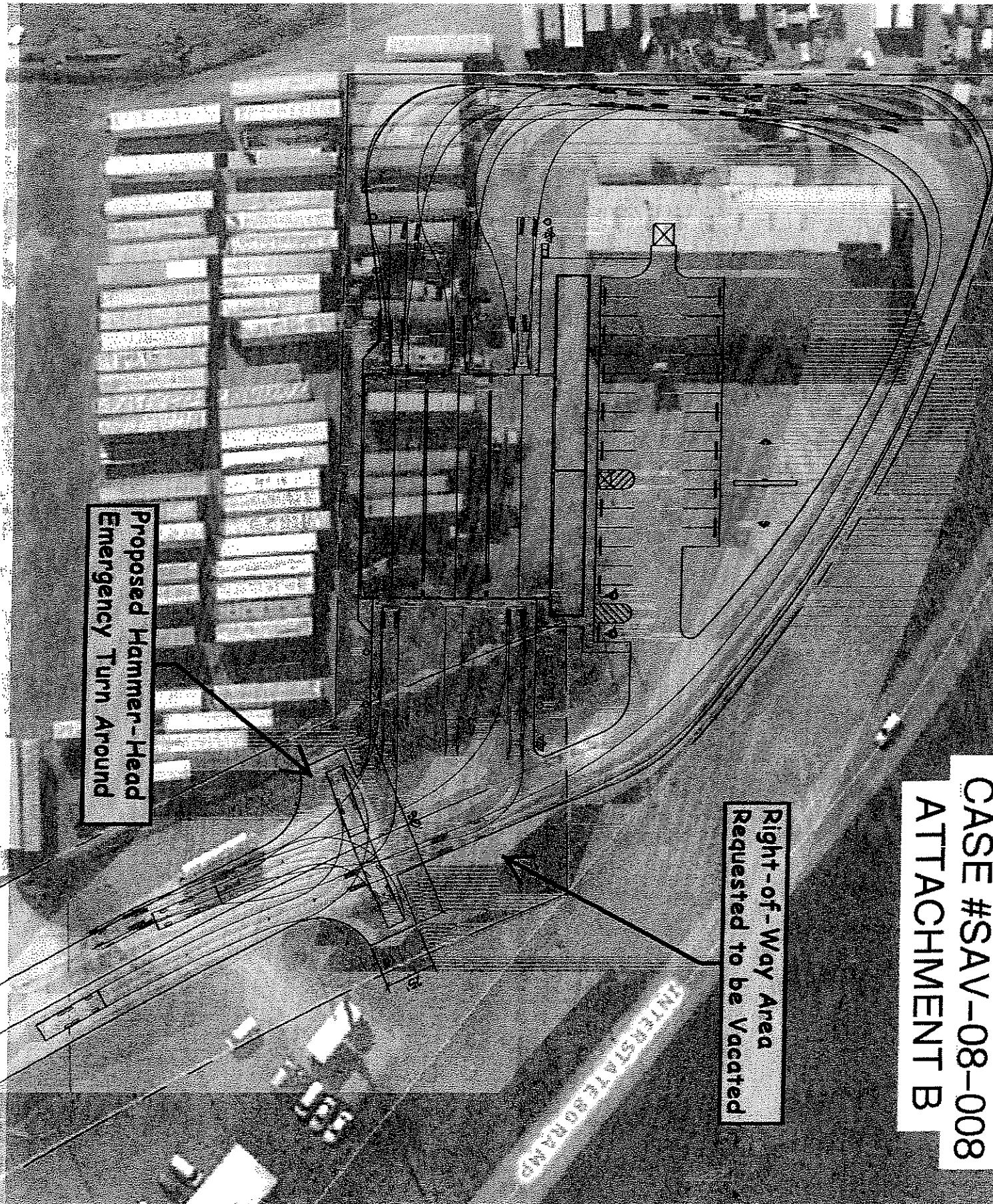




CASE #SAV-08-008  
ATTACHMENT B

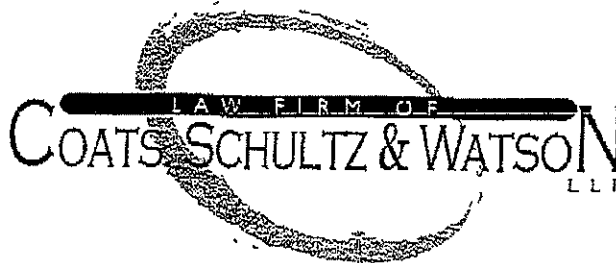
Right-of-Way Area  
Requested to be Vacated

Proposed Hammer-Head  
Emergency Turn Around





535 West Broadway, Ste 200  
P.O. Box 646  
Council Bluffs, IA 51502  
Office: (712) 322-0448  
Fax: (712) 256-1545  
www.cswllp.com



No. 1209 P. 2  
Jeffrey A. Coats ‡ \*  
Matthew D. Schultz ‡  
James A. Watson C.P.A. ‡ \*

OF COUNSEL  
Anthony C. Metcalfe J.D. M.D. \*  
Donald F. Coats, JR. ‡ †  
‡ Licensed in Iowa  
\* Licensed in Nebraska  
† Licensed in Arizona

August 6, 2008

VIA FACSIMILE  
(712) 328-4915

Gayle Malmquist  
Development Services Coordinator  
Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503


RE: CASE #SAV-08-008

Dear Ms. Malmquist:

With this letter I would like to give you an update on the status of the Blue Beacon and Ainsworth Photo-Printing, Inc. discussions. At this point no agreement has been made between the parties. As a result, the Community Development Department should proceed with the understanding that Ainsworth Photo-Printing, Inc. does wish to purchase the portion of the Right-of-Way area to be vacated that adjoins my Clients property.

Also, I think you are correct that the exact square footage should be determined by a survey so the appropriate purchase price can be calculated in accordance with the City Code. If there is a change in the above state position I will contact you immediately. Please let me know if there are questions.

Sincerely,

  
Jeffrey A. Coats  
Attorney at Law

**Council Communication**  
**September 8, 2008 City Council Meeting**

Department: Community Development  Offer to Buy City Property  Applicant: Cardinal Capital Management, Inc.	Resolution of Intent No.: 08-  Resolution to Dispose No.: <u>08-257</u>	Set Public Hearing: 8/25/08  Public Hearing: 9/8/08
<b>Subject/Title</b>		
Request of Cardinal Capital Management, Inc. to purchase a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43, located at the northwesterly corner of Bennett and (relocated) Franklin Avenues.		
<b>Background/Discussion</b>		
<p>Cardinal Capital Management, Inc. (CCM) has submitted an offer to buy on the City owned property located at the northwesterly corner of Bennett and Franklin Avenues, which is currently zoned AP/Administrative Professional. They propose to construct a 32 unit low income housing project specifically designed for the deaf, hard of hearing and deaf/blind seniors. The project will consist of both one and two bedroom units.</p> <p>The proposed project is a collaboration between CCM and Deaf Northwest, a nonprofit organization dedicated to bringing housing and services to deaf seniors. CCM will also be collaborating with a number of other agencies for services and advocacy on the project, including the Iowa School for the Deaf, the Deaf Services Commission of Iowa, Communication Services for the Deaf and the Omaha Deaf Senior Citizens Group.</p> <p>CCM has been in business since 2004 and has a track record of successful acquisition/rehabilitation projects in Wisconsin and Iowa. They also have constructed similar projects to the one proposed in Council Bluffs in Wisconsin and Arizona.</p> <p>The property has been appraised for \$320,000 and staff believes there are several options related to the sale of this property.</p> <ol style="list-style-type: none"><li>1) Sell the ground for \$320,000 with \$120,000 cash due at closing. The remaining \$200,000 will be a deferred forgivable loan with a 20 year term.</li><li>2) Sell the ground for \$320,000 with \$120,000 cash due at closing. The remaining \$200,000 would be granted to the project. TIF proceeds would be used to recover the grant amount. Any actions involving TIF will require the amendment of the current urban renewal plan, which adds at least 90 days to the process.</li></ol>		
<b>Staff Recommendation</b>		
The Community Development Department recommends disposal of a 6.37 acre parcel, being part of Lot 5, Auditor's Subdivision of the NW1/4 SW1/4 and part of Lot 5, Auditor's Subdivision of the SW1/4 NW1/4 all in Section 32-75-43, located at the northwesterly corner of Bennett and (relocated) Franklin Avenues to Cardinal Capital Management, Inc. for \$320,000.		

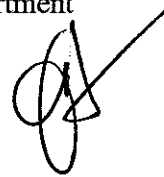
**Council Communication**  
**September 8, 2008 City Council Meeting**

Upon City Council approval, an agreement would be prepared incorporating the following:

- 1) The City will subdivide the site.
- 2) The sale of the property is contingent upon the developer being able to obtain funding for the project. This includes low income housing tax credits (LIHTC) from the Iowa Finance Authority, State HOME funds from the Iowa Department of Economic Development, Iowa West Foundation funds and first mortgage financing. Proof of commitment of all these sources will be required prior to closing.
- 3) The Community Development Department recommends setting a tentative closing date upon the award of LIHTC plus 90 days (estimated July 31, 2009).
- 4) No earnest money will be required upon acceptance of this offer to buy.

<b>Attachment</b>
Location map

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department  
Approved by: Donald D. Gross, Director, Community Development Department



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-257

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS  
A 6.37 ACRE PARCEL, BEING PART OF LOT 5, AUDITOR'S SUBDIVISION OF THE NW1/4  
SW1/4 AND PART OF LOT 5, AUDITOR'S SUBDIVISION OF THE SW1/4 NW1/4 ALL IN  
SECTION 32-75-43

WHEREAS, this City Council previously expressed its intent to dispose of property located at the  
northwesterly corner of Bennett and (relocated) Franklin Avenues; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

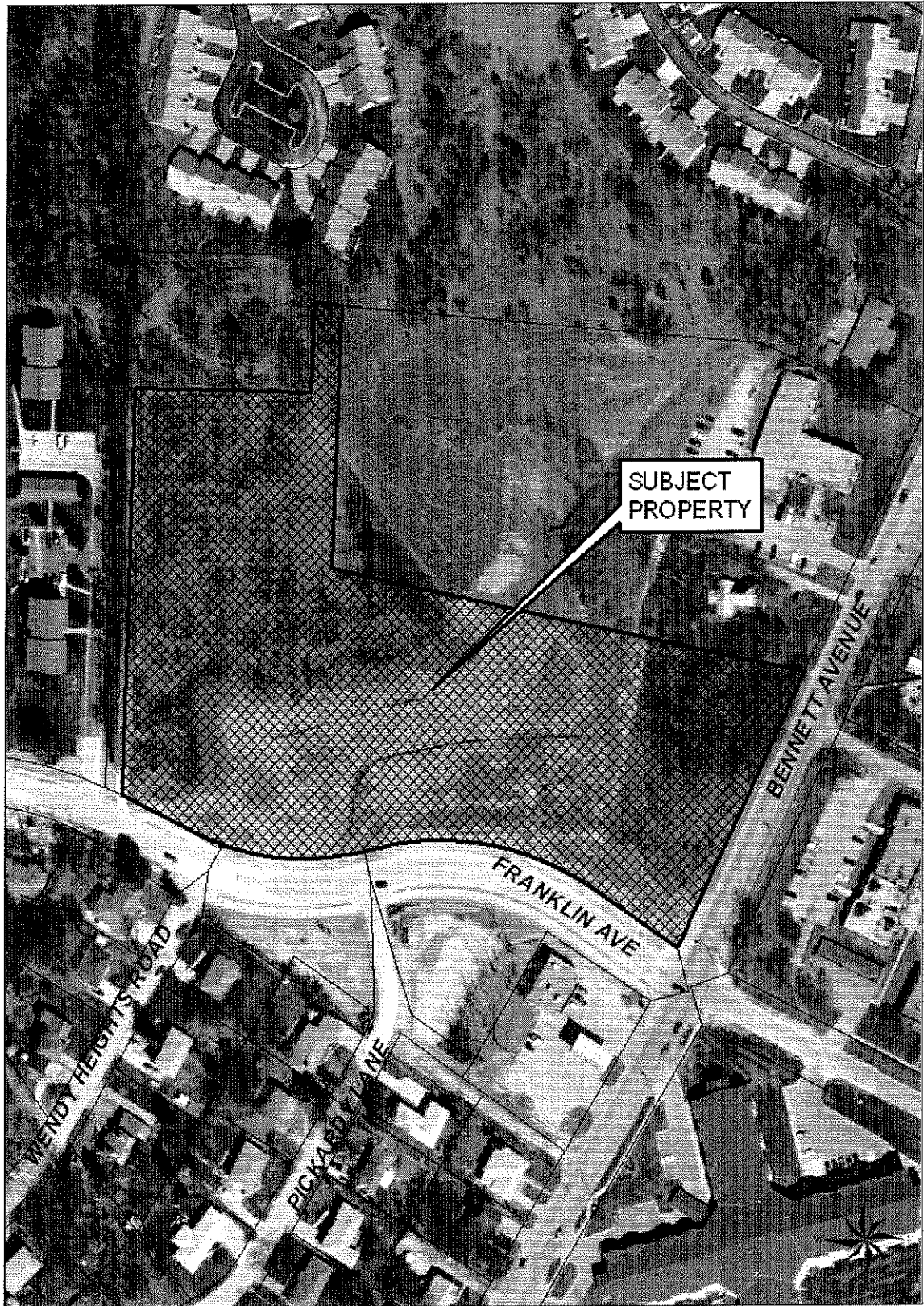
That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a  
quit claim deed conveying the City's interest in the above-described property as follows:

Cardinal Capital Management, Inc., and all successors in interest: 6.37 acre parcel, being part of Lot 5,  
Auditor's Subdivision of the NW1/4 SW ¼ and part of Lot 5, Auditor's Subdivision of the SW1/4  
NW1/4 all in Section 32-75-43 for the sum of \$320,000.00 (Three hundred twenty thousand dollars  
and no/100 dollars) plus any outstanding levies on the property.

ADOPTED  
AND  
APPROVED: September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan Mayor

ATTEST: \_\_\_\_\_  
Judith H. Ridgeley City Clerk



## Council Communication

Department: Community Development	Resolution of Intent No. <u>08-245</u>	Set Public Hearing: 08/25/08
Offer To Buy City Property	Resolution to Dispose No. <u>08-258</u>	Public Hearing: <u>09/08/08</u>
Applicant: Community Housing Investment Corporation		

### Subject/Title

Request of Community Housing Investment Corporation to purchase 4011 Rawlins Drive (Legal Description: Lot 243, Twin Cities Plaza).

### Background/Discussion

Community Housing Investment Corporation (CHIC) has submitted an Offer to Buy the City owned property at 4011 Rawlins Drive, legally described as Lot 243, Twin Cities Plaza. The City acquired the property after it was abandoned by the previous owner. The total cost incurred by the City is estimated to be \$5,125.00.

CHIC would like to purchase the property, construct a new single family structure and sell it to a buyer qualified under Infill and HUD guidelines within 12 months.

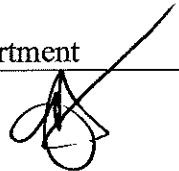
This property measures 56 feet by 105 feet and is zoned R-1/Single Family Residential.

### Recommendation

The Community Development Department recommends disposal of Lot 243, Twin Cities Plaza to CHIC for the sum of \$5,125.00 plus any outstanding levies on the property.

**Attachment:** Picture and location map.

**Prepared By:** Rebecca Sall, Planning Technician, Community Development Department



HC

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO.08-258

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 243, TWIN CITIES PLAZA.

WHEREAS, this City Council previously expressed its intent to dispose of 4011 Rawlins Drive, legally described as Lot 243, Twin Cities Plaza; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Community Housing Investment Corporation and all successors in interest: Lot 243, Twin Cities Plaza for the sum of \$5,125.00 (Five Thousand One Hundred Twenty Five and no/100 dollars) plus any outstanding levies on the property.

ADOPTED  
AND  
APPROVED: September 8, 2008

Thomas P. Hanafan Mayor

ATTEST: Judith H. Ridgeley City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: \_\_\_\_\_  
Applicant \_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Resolution No. 08-259

Date: September 8, 2008

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving Assessing of Costs for Securing Certain Buildings within the City.

### BACKGROUND/DISCUSSION

- The Building Division found certain vacant and unsecured buildings that were not being maintained by the owners. These buildings were not in compliance with Chapter 8.54 of the Municipal Code. The Building Division abated the nuisance according to code by contracting the buildings to be secured.
- The Contractor was paid from the General Fund.
- For a procedure of assessment of the abated nuisance, we are doing it in accordance to the *Uniform Code for the Abatement of Dangerous Buildings* as adopted and amended, a requirement is made that when the City Clerk receives an Account of Expense Report, then the City Council is to set a date for public hearing. Also, all objections or protests must be filed with the City Clerk **PRIOR** to the public hearing.
- These properties were declared a nuisance that had certain building which were secured as follows:

Property Address	Addition	Blk	Lot	Parcel #	Charged	%10 Admin Fee	Total	Done
306 Lori Lane	Heartland Heights	Phase II	39	7443 06 128 021	\$249.65	\$24.97	\$274.61	07/27/08
306 Lori Lane	Heartland Heights	Phase II	39	7443 06 128 021	\$111.43	\$11.15	\$122.58	08/07/08

### RECOMMENDATION

Approval of this resolution.

4 D



**RESOLUTION**

**No. 08-259**

**RESOLUTION APPROVING ASSESSING OF COSTS  
FOR SECURING CERTAIN BUILDINGS WITHIN THE  
CITY OF COUNCIL BLUFFS, IOWA**

WHEREAS: the Building Division of the Public Works Department of the City of Council Bluffs, Iowa, has contracted for the securing of certain buildings; and

WHEREAS: the City now desires to assess the costs for this project back to the property that had buildings that were secured; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 8, 2008.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City Clerk will notify the Pottawattamie County Assessor's office so that the assessment of the costs for certain projects back to the properties that had buildings that were secured.

**ADOPTED  
AND  
APPROVED: September 8, 2008**

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Thomas P. Hanafan, Mayor

**ATTEST:**

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Judith Ridgeley, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY08-08C & FY09-06A  
Applicant \_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Resolution No. 08-260

Date: September 8, 2008

### SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting October 2, 2008, at 10:00 a.m. as the date and time for the bid opening for US Hwy 275 Street Lighting.

### BACKGROUND/DISCUSSION

- The Iowa Department of Transportation has undertaken three projects to completely rebuild US Hwy 275 for the Missouri River to I-29 through the City of Council Bluffs. The project involves replacement of the 2 lane roadway with a new 4 lane divided roadway and service roads.
- The first two IDOT projects are complete and the third and final project will be constructed in 2008.
- The City of Council Bluffs will be responsible for providing and maintaining street lighting on the new 4 lane divided roadway and service roads.
- The roadway completed to date has removed all old street lighting and the area is very dark and offers an unsafe condition for the motoring public.
- On those areas where portions of the new 4 lane roadway and service roads have been constructed the City proposes to construct street lighting. The city created two projects to accomplish this work. Project FY08-06C covers work from South Expressway to 24<sup>th</sup> St.. Project FY09-06A covers work from 24<sup>th</sup> St. to the Missouri River. Due to IDOT 275 construction phasing both projects will be constructed under FY08-06C in 2009.
- The project will provide street lighting from 24<sup>th</sup> Street east to the east I-29 ramps utilizing steel poles and underground power spaced at approximately 200' on center on both sides of the road. In the more rural section west of 24<sup>th</sup> Street the project will provide street lighting at the intersections of Hwy 275 at Council Point Road and So. 36<sup>th</sup> Street.
- The project will install a total of ninety- four (94) street lights.
- The project schedule is to set the Public Hearing August 25, 2008; Hold Public Hearing September 8, 2008; Letting October 2, 2008; and Award at the October 13, 2008, council meeting.
- Project FY08-08C is in the 2008 CIP and is funded with \$600,000 in general obligation bond funds. Project FY09-06A is in the 2009 CIP and funded with \$500,000 in sales taxes funds.

### RECOMMENDATION

Approval of this resolution.



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**R E S O L U T I O N**  
**NO. 08-260**

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,  
FORM OF CONTRACT AND COST ESTIMATE FOR THE  
US HWY 275 STREET LIGHTING  
FY08-08C & FY09-06A**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the US Hwy 275 Street Lighting; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 8, 2008.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the US 275 Street Lighting and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED  
AND  
APPROVED September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith Ridgeley, City Clerk

### Council Communication

Department: Community Development <b>Case No. AN-08-001</b> Applicant: City of Council Bluffs	Resolution No. <u>08-261</u>	City Council: September 8, 2008 Planning Commission Meeting: August 12, 2008
<b>Subject/Title</b> Voluntary annexation of approximately 230 acres abutting the southeast corporate boundary as shown on Exhibit 'A' and legally described as: The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, Lewis Township, Pottawattamie County, Iowa; and The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.		
<b>Background/Discussion</b> The Community Development Department initiated voluntary annexation of land adjacent to the south and east corporate boundary as shown in Exhibit 'A'. The intent is to extend the City limits in an orderly and uniform manner. This annexation creates a uniform border directly abutting land to the south which will likely be acquired by the State in the near future. This annexation is an initial step to assure that a potential development area is annexed in a timely manner and removing the potential for creating an island and to allow municipal improvements/infrastructure to be planned for, designed and extended as development occurs. Change in land use for this area is not imminent.  Camenzind and Krejci, the large private owners have both agreed to voluntary annexation. Arthur Camenzind owns 47 acres abutting property to the west within the City. A 0.28 acre triangle to the south was added due to physical constraints (railroad and drainage conveyance) which effectively surround the land. The Frank Krejci Trust owns 49 acres from Interstate right-of-way east to 192 <sup>nd</sup> Street. The Camenzind and Krejci lands are farmed, assessed as agricultural land and will likely remain in agricultural production in the near future. The Mosquito Creek Drainage District is controlled by the City of Council Bluffs and has been included in the annexation area. The responsibilities of the District as well as the levy on property assessed by the drainage district remain the same regardless of annexation. Interstate right-of-way, which passes through the proposed area is also in the public domain and has been incorporated into the annexation. Railroad property, owned by CBEC and Burlington Northern Santa Fe, can be included without affecting the voluntary nature of the annexation. Both the railroads and IDOT have been notified of the proposed annexation. We are awaiting response from Utilicorp (one acre) and SIRE (1.2 acres). SIRE is awaiting concurrence from their lender. Corar Inc. owns 10.20 acres in the southeast corner. They elected not to consent to voluntary annexation and the land has been removed from the study area.  All 230 acres are currently zoned A-3/Exclusive Agriculture in the County's classification system. §15.02.050 of the Zoning Ordinance was amended in October 2007 to make clear the status of existing zoning upon annexation. It states 'Annexed land shall retain the same zoning		

classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.' The City will initiate rezoning to the A-2/Parks, Estates and Open Space classification after annexation is approved by the Secretary of State.

**ANNEXATION** - Chapter 368 of the Iowa Code sets out the procedure for municipal annexation of territory. The property owners involved agree to voluntary annexation. No other property is involved. The map showing the relationship of the property to the current City boundary and legal description are provided. This annexation proposal is consistent with the voluntary annexation procedure set forth in the Iowa Code. The Community Development Department finds the following:

- A. The area proposed for annexation adjoins the City's corporate boundaries.
- B. The proposed annexation will not create an island of County land surrounded by the City or restrict potential future annexation in any direction. This action by the City minimizes the risk of creating an island hindering future growth.
- C. The proposed annexation creates a uniform boundary.
- D. City services will not be adversely affected if the land is annexed. Utilities, including sanitary sewer, can be extended with sufficient capacity to serve the additional territory when development occurs to justify the expense.
- E. The proposed annexation is in the best interest of the City.

#### **Recommendation**

Based on the findings above, the Community Development Department recommends voluntary annexation of approximately 230 acres, as shown in Exhibit 'A' and legally described as:  
The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

#### **Public Hearing**

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

#### **Planning Commission Recommendation**

Based on the findings identified in the staff report, the Planning Commission recommends voluntary annexation of approximately 230 acres as shown in Exhibit 'A' and legally described as:

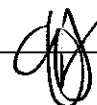
The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

VOTE: AYE 9   NAY 0   ABSTAIN 0   ABSENT 2   Motion: Carried

Attachment: Exhibit 'A'

Prepared by: Gayle M. Malmquist, Development Services Coordinator



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PREPARED BY: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

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RESOLUTION NO. 08-261

A RESOLUTION approving voluntary annexation of approximately 230 acres abutting the southeast corporate boundary.

WHEREAS, the Community Development Department initiated voluntary annexation of approximately 230 acres adjacent to the south and east corporate boundary, as shown on Exhibit "A"; and

WHEREAS, Camenzind and Krejci, the large private owners, have both agreed to voluntary annexation; and

WHEREAS, all 230 acres are currently zoned A-3/Exclusive Agriculture in the County's classification system. Rezoning to the city classification of A-2/Parks, Estates and Open Space will be initiated after annexation is approved by the Secretary of State; and

WHEREAS, this annexation proposal is consistent with the voluntary procedure set out in Chapter 368 of the Iowa Code; and

WHEREAS, the Community Development Department finds as follows:

1. The area proposed for voluntary annexation adjoins the City's corporate boundaries.
2. The proposed annexation will not create an island of County land surrounded by the City or restrict potential future annexation in any direction. This action by the City minimizes the risk of creating an island hindering future growth.
3. The proposed annexation creates a uniform boundary.
4. City services will not be adversely affected if the land is annexed. Utilities, including sanitary sewer, can be extended with sufficient capacity to serve the additional territory when development occurs to justify the expense.

5. The proposed annexation is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

This City Council hereby approves the voluntary annexation of approximately 230 acres, as shown in Exhibit "A", and legally described as follows:

The West half of the Southwest quarter of Section 17-44-43, except the east 942.49 feet of the south 636.43 feet, Lewis Township, Pottawattamie County, Iowa; and

The Southeast quarter of Section 18-74-43 and a 0.28 acre triangle in the Northwest corner of the Northwest quarter of the Northeast quarter of Section 19-74-43, Lewis Township, Pottawattamie County, Iowa.

BE IT FURTHER RESOLVED

That the City Clerk shall file a copy of this resolution and attachments with the Secretary of State, Pottawattamie County Board of Supervisors, each affected public utility, and the State Department of Transportation, as required in Section 368.7, Code of Iowa; and

BE IT FURTHER RESOLVED

That the City Clerk shall record a copy of this resolution and attachments with the Pottawattamie County Recorder, as required in Section 368.7, Code of Iowa.

ADOPTED  
AND  
APPROVED September 8, 2008

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

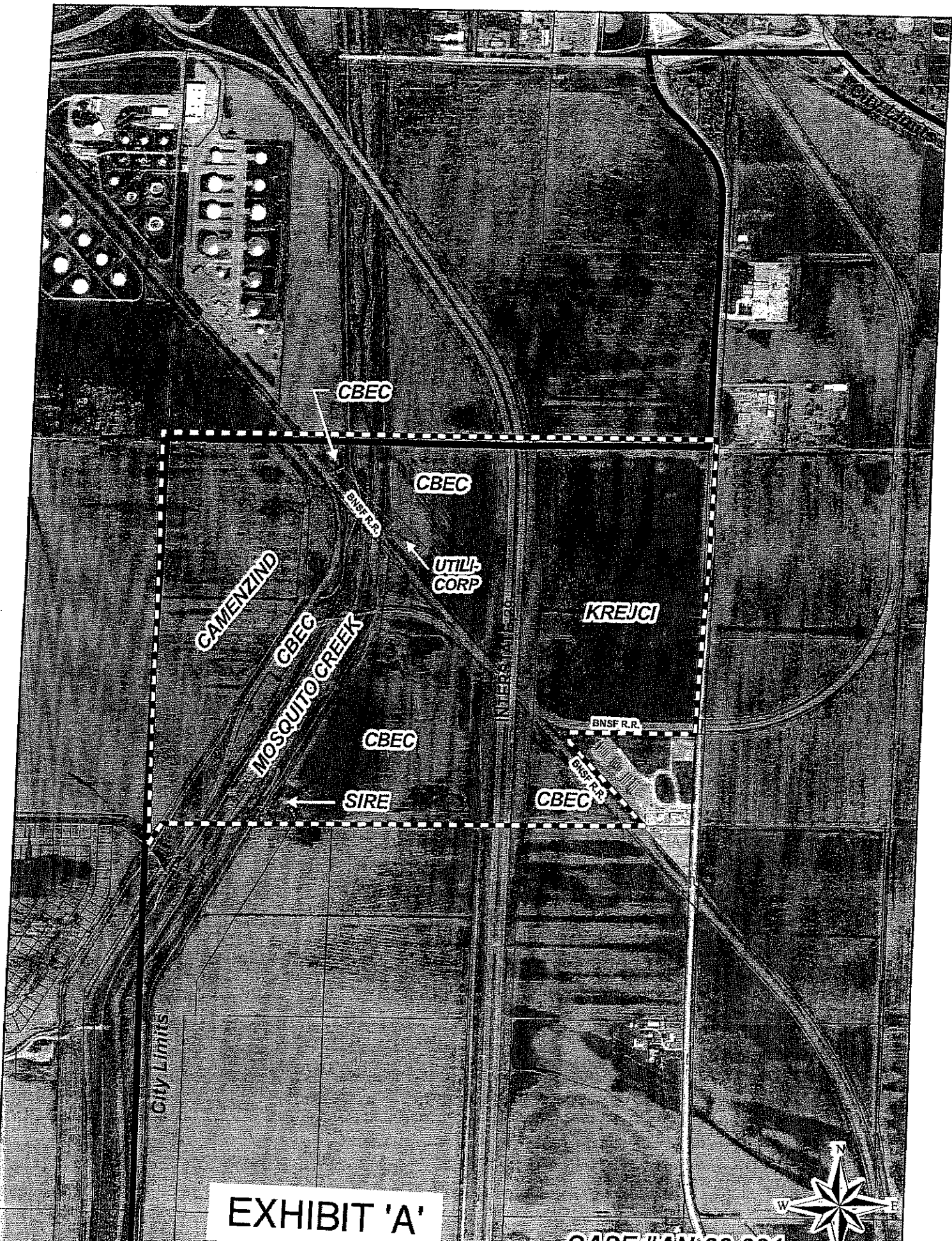


EXHIBIT 'A'

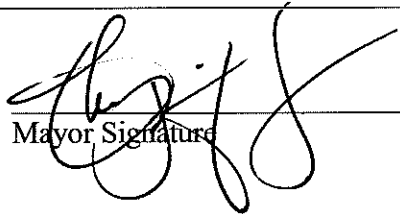


## Council Communication

Department:	Ordinance No. <u>6010</u>	First Reading <u>8/25/2008</u>
Case/Project No.	Resolution No. _____	Second Reading <u>9/08/2008</u>
		Third Reading _____
<b>Subject/Title</b>		
AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".		
<b>Background/Discussion</b>		
It was brought to my attention at a recent code enforcement meeting, that the state code section referenced in the definition of "emancipated minor" was incorrect in the municipal code. The purpose of this ordinance is to remove the reference to the specific state code section.		
<b>Recommendation</b>		
Approve the ordinance amending the definition of "emancipated minor" contained in Section 8.18.030.		

Don Bauermeister, Asst. City Attorney

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

ORDINANCE NO. 6010

AN ORDINANCE to amend Chapter 8.18 "Curfew" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 8.18.030 "Definitions", to remove the reference to the specific state code section in the definition of "Emancipated minor".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 8.18 "Curfew", of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 8.18.030 "Definitions", to read as follows:

"8.18.030 Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Legitimate parentally approved errand" means a minor performing a necessary task at the direction of the minor's parent, that the nonperformance of until non-curfew hours would result in an injury or undue hardship.

(2) "Assembly" means any gathering of persons for a religious, political, economic or cultural purpose with supervision designed to keep the focus of activity on the purpose for the assembly. For example, the mayor provides adequate supervision at a city council meeting as does a minister at a church service; as does a moderator at a cultural event and a chairperson at an organized labor or political event. The term supervision does not require the presence of chaperons whose sole purpose for presence at the assembly is to supervise teenagers.

(3) "Emancipated minor" means a minor who no longer has a "parent-child relationship" as defined by ~~Section 600A.2(3)~~, in the Code of Iowa.

(4) "Minor" means any person under the age of eighteen (18).

(5) "Parent" means biological parents, a guardian or custodian appointed by the courts, or an adult who has accepted the role of parent at the request of the biological parent, guardian, or custodian.

(6) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(7) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(8) "Street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic."

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5384, Section 1, (1998).

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2008  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest: \_\_\_\_\_  
JUDITH RIDGELEY City Clerk

First Consideration: August 25, 2008  
Second Consideration: September 8, 2008  
Public Hearing: \_\_\_\_\_  
Third Consideration: \_\_\_\_\_

### Council Communication

Department: Community Development Department	Resolution No. _____ Ordinance No. <u>6011</u>	City Council: <u>9/08/2008</u>
<b>Subject/Title</b> Repeal of the East Broadway Urban Renewal Plan, Area and Ordinance.		
<b>Background/Discussion</b> <p>On November 18, 1996, City Council adopted Resolution No. 96-274, which created the East Broadway Urban Renewal Plan and corresponding area. This area was established for 10 years. Subsequent to the adoption of the plan and area, City Council approved Ordinance No. 5299 on November 21, 1996 which established the TIF district.</p> <p>As a result of the urban renewal area and TIF district, Walgreens was constructed and a vacant grocery store redeveloped. TIF funds were used to assist with the cost of property acquisition. The City's obligations contained in the development agreement have now been satisfied; and no additional debt will be certified in the district. Therefore, the urban renewal plan, area, ordinance and accompanying TIF district should be repealed. A corresponding resolution and ordinance have been prepared undertaking such actions and are attached for your review and consideration.</p>		
<b>Recommendation</b> That City Council adopt a resolution repealing the East Broadway Urban Renewal Plan, and Area and an ordinance repealing the East Broadway TIF district, effective immediately.		
Prepared by: Donald D. Gross, Director		



**ORDINANCE NO. 6011**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 5299 WHICH APPROVED THE TAX INCREMENT FINANCING DISTRICT FOR THE EAST BROADWAY URBAN RENEWAL AREA.**

- WHEREAS,** On November 21, 1996, Ordinance No. 5299 was passed by City Council approving the TIF district for the East Broadway Urban Renewal Area; and
- WHEREAS,** this TIF district was created to assist with the redevelopment of a two block area in the vicinity of East Broadway and Frank Street; and
- WHEREAS,** this project has been implemented, City obligations satisfied; and no additional debt will be certified; and
- WHEREAS,** pursuant to Section 403 of the Code of Iowa and after study and consideration, it is the opinion of this City Council that Ordinance No. 5299 which approved the TIF district for the East Broadway Urban Renewal Area should be repealed.

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That Ordinance No. 5299 passed and approved November 21, 1996, be repealed, effective immediately.

ADOPTED  
AND  
APPROVED: \_\_\_\_\_, 2008

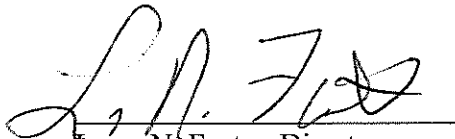
\_\_\_\_\_  
Thomas P. Hanafan Mayor

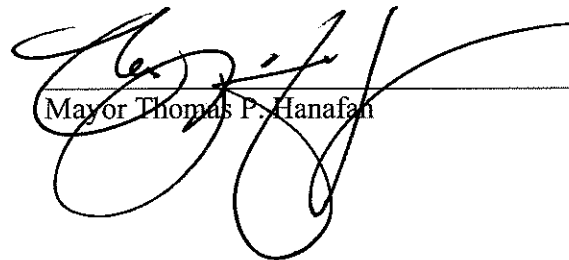
ATTEST: \_\_\_\_\_  
Judith H. Ridgeley City Clerk

First Consideration: August 25, 2008  
Second Consideration: September 8, 2008  
Public Hearing:  
Third Consideration:

## Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____	Council Action: <u>9/08/2008</u>
Case/Project No.	Resolution No. <u>08-262</u>	
Applicant: Larry Foster		
<b>Subject/Title</b>		
For City Council consideration is a resolution authorizing naming the Missouri River Pedestrian Bridge the Bob Kerrey Pedestrian Bridge.		
<b>Background/Discussion</b>		
<ul style="list-style-type: none"><li>• On September 25, 2000, the City Council authorized the Mayor to sign an Interlocal Agreement with the City of Omaha and the Papio-Missouri River Natural Resources District setting forth the rights, duties and obligations of each party regarding the development, design, construction, funding, operation and maintenance of the Missouri River Pedestrian Bridge.</li><li>• Article XV of this Agreement assigned naming authority to the Cities of Council Bluffs and Omaha stating the two cities shall consult and mutually agree upon an official name for the bridge.</li><li>• To facilitate selection of an appropriate name, each Mayor appointed two citizen representatives and their city's Parks and Recreation Directors to serve on a Bridge Naming Committee. Following reviews, meetings and discussions, the Bridge Naming Committee unanimously selected a name to recommend for the official action of each city.</li></ul>		
<b>Recommendation</b>		
Both Cities' must select a bridge name by formal council action. Since the schedule for public notification of agenda items differs slightly, the specific name being recommended, and the basis for its selection, will be provided to City Council Members later in the week.		

  
Larry N. Foster, Director  
Parks, Recreation and Public Property

  
Mayor Thomas P. Hanafan

RESOLUTION NUMBER 08-262

RESOLUTION TO NAME THE MISSOURI RIVER PEDESTRIAN BRIDGE

WHEREAS, by the City Council of the City of Council Bluffs, Iowa, that by virtue of Resolution #00-230 passed by the Council Bluffs, Iowa, City Council, the Mayor was Authorized to sign an Agreement with the City of Omaha and the Papio-Missouri River Natural Resources District and further that the Mayor executed such Agreement on September 25, 2000; and

WHEREAS, by the City Council of the City of Council Bluffs, Iowa, that this Agreement between the Cities of Council Bluffs, Iowa, Omaha, Nebraska, and the Papio-Missouri River Natural Resources District detailed the authorities, duties and responsibilities of the three parties pertaining to the planning, construction, management, operation and expenditures associated with the Missouri River Pedestrian Bridge; and

WHEREAS, by the City Council of the City of Council Bluffs, Iowa, that this Agreement also specified the process by which the Missouri River Pedestrian Bridge was to be named and specifically that Omaha and Council Bluffs shall consult and mutually agree upon an official name for the bridge; and

WHEREAS, by the City Council of the City of Council Bluffs, Iowa, that to best facilitate the selection of an appropriate name for the Missouri River Pedestrian Bridge, the two Mayors each appointed three members to a Bridge Naming Committee, and empowered this Committee to recommend a name for the Missouri River Pedestrian Bridge; and

WHEREAS, by the City Council of the City of Council Bluffs, Iowa, that following reviews, meetings and discussions, this Bridge Naming Committee has submitted to the Mayors of Council Bluffs, Iowa, and Omaha, Nebraska, a name for the Missouri River Pedestrian Bridge.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Missouri River Pedestrian Bridge be named the Bob Kerrey Pedestrian Bridge.

ADOPTED  
AND  
APPROVED: September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan      Mayor

Attest:

\_\_\_\_\_  
Judith Ridgeley      City Clerk

# MEMO

From: Members of the Missouri River Pedestrian Bridge Naming Committee  
To: Mayor Tom Harnafan and Mayor Mike Fahey  
Subject: Naming of the Missouri River Pedestrian Bridge

As members of the Missouri River Pedestrian Bridge Naming Committee, we wish to begin by thanking you for allowing us to serve on this committee. We share your belief that this wonderful new bridge is poised to become a landmark for our two Cities.

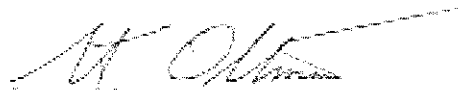
In the beginning of our deliberations, we were briefed on the existing Agreement which requires the bridge name to be agreeable to both Omaha and Council Bluffs. This committee recognizes, as Mayor's, you had many ways to proceed with selecting this name and we support your decision to appoint a committee with members from both sides of the river, to recommend a name.

We began by discussing a philosophy for determining the most appropriate name. To this end we discussed names that might impart a specific location, names that reflected the area's history, names that highlighted unique elements of the bridge, names that spoke to the unique partnership involved in this bridge, names of individuals whose contribution may have been instrumental to the bridge, and other possible approaches. After considering each of these approaches and possible names for each approach, we determined that, for this bridge, one name stands out above all others.

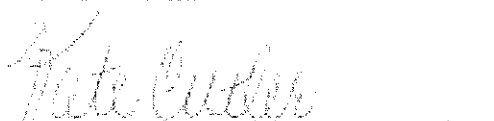
We are recommending this bridge be officially named "The Bob Kerrey Pedestrian Bridge." As we discussed alternative names, we always returned to what became the central logic for our recommendation, the bridge would not be here without Bob Kerrey. Although the story of this bridge is one of partnerships, it simply would never have been constructed without Bob Kerrey's success in obtaining \$18 million dollars in federal funding.


Bob Kerrey's outstanding record as a public servant and as a medal of honor winner were also considered by the committee, and, on their own, these contributions warrant naming this bridge in his honor. Still, it was his remarkable effort to obtain the majority of the necessary funding that made this selection the Committee's clear, and unanimous, choice.

Thank you again for appointing us to this Committee.

  
Steve Oltmans

  
Jim Thompson

  
Kyle Cutler

  
Dave Christiansen

  
Steve Scarpello

  
Larry N. Foster



## Council Communication

Department: Finance/Purch.	Ordinance No. Resolution No. <u>08-263</u>	Date: <u>Sept. 8, 2008</u>
Case/Project No.		
Applicant.		
<b>Subject/Title</b>		
Purchase one 5 Ton Bridge Crane		
<b>Background/Discussion</b>		
<p>On August 12, 2008, the Purchasing Division received bids for a 5 ton bridge crane for the new Fleet Maintenance Facility.</p> <p>Crane Sales and Service of Omaha Nebraska submitted a low bid in the amount of \$70,665.00, and Nebraska Hoist and Crane submitted a bid in the amount of \$101,400.00. Both bids meet specifications set forth in the bid packet.</p>		
<p>Should Council approve this purchase, it would be the recommendation of the Purchasing Division to accept the low bid of \$70,665.00 submitted by Crane Sales and Service and purchase this equipment. This action is deemed to be in the best interest of the City.</p> <p>Funds for the purchase of this equipment will be from the Public Works Department Fleet Maintenance Facility building project.</p>		

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 08-263

WHEREAS, the City of Council Bluffs Public Works Department has a need to purchase one (1) new bridge crane for the new Fleet Maintenance facility located at 901 10<sup>th</sup> Avenue, Council Bluffs, IA;

and

WHEREAS, bids have been received by the City with the lowest bid meeting City Specifications and Requirements being that of Crane Sales & Service for the net cost to the City of \$70,665.00;

and

WHEREAS, this City Council deems the purchase of this bridge crane to be in the best interest of the City of Council Bluffs, Iowa:

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the above purchase be approved and the Director of Finance be and is hereby authorized, empowered and directed to purchase said bridge crane.

ADOPTED

AND

APPROVED: September 8, 2008

BY: \_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Judith H. Ridgeley, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: \_\_\_\_\_  
Applicant \_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Resolution No. 08-264

Date: September 8, 2008

### SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute Iowa Department of Transportation Cooperation Agreement No. 2008-16-16S for the placement of Iowa West Foundation sculptures at the 24<sup>th</sup> Street Bridge over Interstate 80.

### BACKGROUND/DISCUSSION

- Iowa West Foundation proposes to erect four (4) large sculptures designed and fabricated by Albert Paley at the ends of the 24<sup>th</sup> Street Bridge over Interstate 80.
- This 3 way agreement outlines the responsibilities of IDOT, IWF, and the City for the placement, maintenance, and removal of the sculptures.
- The agreement requires IWF to erect, maintain, and if required, remove the sculptures at IWF expense.
- IWF is required to maintain a minimum of \$1 million in liability insurance covering the sculptures. IWF must indemnify, defend, and hold harmless IDOT and the City from claims caused by the sculptures.
- The city and IDOT grant IWF the use of public right-of-way for placement of the sculptures.
- The sculptures are and always remain the property of IWF

### RECOMMENDATION

Approval of this resolution

CC



**RESOLUTION**  
**NO. 08-264**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE IDOT COOPERATIVE AGREEMENT NO. 2008-16-16S  
IN CONNECTION WITH THE  
IOWA WEST FOUNDATION SCULPTURES  
AT THE 24<sup>TH</sup> ST. BRIDGE OVER INTERSTATE 80**

- WHEREAS, the city wishes to make improvements known as the Iowa West Foundation Sculptures at the 24<sup>th</sup> Street Bridge over Interstate 80 within the city, as therein described; and
- WHEREAS, Iowa Department of Transportation has submitted an agreement for the work necessary for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Iowa Department of Transportation for the Iowa West Foundation Sculptures at the 24<sup>th</sup> Street Bridge over Interstate 80.

ADOPTED  
AND  
APPROVED September 8, 2008

---

Thomas P. Hanafan, Mayor

ATTEST:

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Judith Ridgeley, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY07-04C  
Applicant \_\_\_\_\_

Ordinance No. \_\_\_\_\_  
Resolution No. 08-265

Date: September 8, 2008

### SUBJECT/TITLE

Council consideration of a resolution rejecting the bid of MFT Construction, Inc. in the amount of \$142,800.00, for the US 275/Missouri River Stormwater Pump Station.

### BACKGROUND/DISCUSSION

- On August 26, 2008, one bid was received in the city clerk's office as followed:

MFT Construction, Inc.	\$142,800.00
Engineer's Opinion	\$ 80,000.00

- NDOR and IDOT plan to reconstruct the US 275 Missouri River Bridge starting in 2008.
- There is an existing pump station at the river levee on the north side of the Highway. It is 35 years old and is in conflict with the bridge project.
- The new pump station will be upgraded and modernized. Service area includes both sides of US 275 from Missouri Levee to Twin City Drive.
- Discussions with contractors indicated they were too busy with construction to bid. Therefore, we are asking the council to reject the bid and a re-bid be established. The Engineer will also review the estimate.
- The schedule allows the opportunity to rebid.
- On September 22, Council will set a Public Hearing for October 13, and receive bids November 12.
- Project is FY07-04C in the CIP and will be funded by West Lewis #35 and Sieck #32 drainage district funds.

### RECOMMENDATION

Approval of this resolution.



6 D

**RESOLUTION**  
**NO. 08-265**

**RESOLUTION REJECTING THE BID**  
**FROM MFT CONSTRUCTION, INC.**  
**FOR THE**  
**US 275/MISSOURI RIVER STORMWATER PUMP STATION**  
**FY07-04C**

- WHEREAS, the plans, specifications, and form of contract for the US 275/ Missouri River Stormwater Pump Station are on file in the office of the City Clerk; and
- WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on August 11, 2008, and the plans, specifications and form of contract were approved; and
- WHEREAS, only one bid was received and that bid was over the Engineer's Estimate; and

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid received August 26, 2008, was hereby rejected.

ADOPTED  
AND  
APPROVED September 8, 2008

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Thomas P. Hanafan, Mayor

ATTEST:

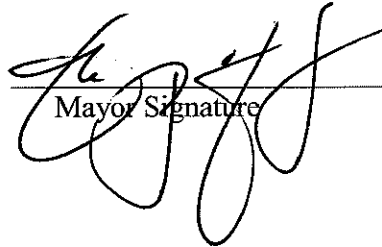
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Judith Ridgeley, City Clerk

## Council Communication

Department: Finance	Ordinance No. Resolution No. <u>08-266</u>	Date: <u>09/08/08</u>
<b>Subject/Title</b>		
Authorization for bank transactions.		
<b>Background/Discussion</b>		
As a result of personnel changes within the Finance Department, it is necessary to authorize certain city officials to conduct financial transactions on behalf of the city.		
This action does require Council approval and a resolution effectuating these changes has been prepared.		
<b>Recommendation</b>		
Council approval of the resolution authorizing city officials to conduct financial transactions on behalf of the City.		

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

R E S O L U T I O N  
NO. 08-266

A RESOLUTION authorizing city officials to endorse checks, notes, drafts, bills of exchange, and acceptances on behalf of the City of Council Bluffs in connection with its accounts at Peoples National Bank, Midstates Bank, US Bank, Liberty Bank and Council Bluffs Savings Bank.

Whereas, this shall be in effect as long as the City has monies in accounts with Peoples National Bank, Midstates Bank, US Bank, Liberty Bank and Council Bluffs Savings Bank, and

Whereas, it is in the best interests of the City of Council Bluffs to designate specific individuals who shall be authorized to withdraw funds from the city accounts at Peoples National Bank, Midstates Bank, US Bank, Liberty Bank, and Council Bluffs Savings Bank, and

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That Peoples National Bank, Midstates Bank, US Bank, Liberty Bank, and Council Bluffs Savings Bank are designated as depositories for the City of Council Bluffs, Iowa, and that the funds of the city deposited in said bank(s) shall be subject to withdrawal upon check, notes, drafts, bills of exchange, acceptances, undertakings or other orders for the payment of money when signed on behalf of the city by Thomas P. Hanafan, as Mayor and Arthur W Hill, as Director of Finance jointly; and

BE IT FURTHER RESOLVED

That in addition to the above authorized officials Debra J. Miller as City Treasurer, Patricia L. Hendrix, as Deputy Treasurer, or Linda J Andersen, Assistant Finance Director, shall be authorized to make telephone transactions for investment drafts, change orders, and transfer of funds; and

BE IT FURTHER RESOLVED

That the following are the genuine signatures of the above identified officials:

---

THOMAS P. HANAFAN  
MAYOR

---

ARTHUR W. HILL  
DIRECTOR OF FINANCE

---

LINDA J. ANDERSEN  
ASSISTANT DIRECTOR OF FINANCE



\_\_\_\_\_  
DEBRA J. MILLER  
CITY TREASURER

\_\_\_\_\_  
PATRICIA L. HENDRIX  
DEPUTY TREASURER

ADOPTED  
AND  
APPROVED

September 8, 2008 \_\_\_\_\_

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
JUDITH H. RIDGELEY

\_\_\_\_\_  
CITY CLERK

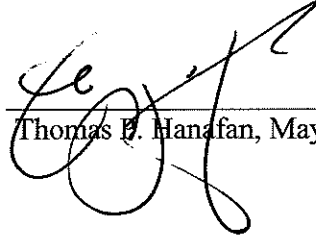
## Council Communication

Department: Parks, Recreation and Public Property  Case/Project No.  Applicant: Larry N. Foster	Ordinance No. Resolution No. <u>08-267</u>	Date: <u>Sept 8, 2008</u>
<b>Subject/Title</b>		
For City Council consideration is a resolution approving the contracts for emergency tree removal and related services for the 2008 FEMA Event and authorizing the Mayor and City Clerk to enter into an agreement with McCullough's Tree Service for the tree work related to this storm event.		
<b>Background/Discussion</b>		
<ul style="list-style-type: none"><li>• On June 27, 2008, Council Bluffs experienced a storm event resulting in significant damage to the City's trees, including those trees located on City right-of-ways and within public parks and other public property.</li><li>• The City of Council Bluffs was declared a disaster area by FEMA.</li><li>• Damaged trees were identified and FEMA agreed to reimburse the City of Council Bluffs for a major portion of the removal and trimming associated with these trees.</li><li>• Working in conjunction with FEMA, plans, specifications and bid documents were authored and advertised for public bid. Thereafter, a pre-bid conference was held to acquaint potential bidders with the bid documents and their requirements.</li><li>• In order to potentially attract both large and small bidders, thereby obtaining the best possible bid price, the tree removals and related services were organized into seven geographical areas (sections). Bidders were invited to bid on any or all areas.</li><li>• Additionally, due to the nature of the storm, FEMA has agreed to assist with funding other tree related activities which may become necessary, but were not specifically identified within the bid documents. To address this work, FEMA agreed to include, within the bid documents, a section for bidders to specify bids for individual tree work by size and work activity, and FEMA has approved the use of these bids as the basis of payment for this additional work.</li><li>• On August 27, 2008 bids were received.</li><li>• McCullough's Tree Service was the low bidder for all seven sections and their bid of \$604,675.00 is being recommended for approval by the City Council.</li><li>• Acceptance of the McCullough bid will result in all tree work within the seven sections being completed by February 1<sup>st</sup>, 2009.</li></ul>		
<b>Recommendation</b>		
A resolution has been prepared authorizing the approval of contracts for the Emergency Tree Removal		

GF

and Related Services 2008 FEMA Event and authorizes the Mayor and City Clerk to execute an agreement with McCullough's Tree Service. I recommend adoption of this resolution by the City Council.

\_\_\_\_\_  
Larry N. Foster, Director  
Parks, Recreation and Public Property

  
\_\_\_\_\_  
Thomas B. Hanafan, Mayor

RESOLUTION NO. 08-267

A RESOLUTION AUTHORIZING THE APPROVAL OF CONTRACTS FOR THE EMERGENCY TREE REMOVAL AND RELATED SERVICES 2008 FEMA EVENT AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH MCCULLOUGH'S TREE SERVICE FOR SAID WORK.

WHEREAS, the City of Council Bluffs was declared part of a county disaster declaration after the June 27, 2008, storm that damaged City trees; and

WHEREAS, the City of Council Bluffs has identified those trees that need removed or trimmed; and

WHEREAS, FEMA has agreed to reimburse the City for the costs incurred to remove or trim said trees; and

WHEREAS, a contract for the Emergency Tree Removal and Related Services 2008 Event has been submitted to the City Council for approval; and

WHEREAS, the City Council has been advised and deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Council approves the contracts for the Emergency Tree Removal and Related Services 2008 FEMA Event and authorizes the Mayor and City Clerk to execute an agreement with McCullough's Tree Service in the amount of \$604,675.00.

ADOPTED  
AND  
APPROVED September 8, 2008

---

Thomas P. Hanafan, Mayor

Attest:

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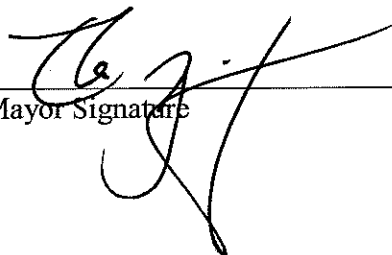
Judy Ridgeley, City Clerk

## Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-268</u>	Date: <u>Sept 8, 2008</u>
Case/Project No.		
Applicant		
<b>SUBJECT/TITLE</b>		
A resolution in support of the State's legal action against the National Indian Gaming Commission regarding land in Carter Lake and its reclassification as "restored lands" making the property gaming eligible.		
<b>BACKGROUND</b>		
This resolution has been drafted at the request of the City Council.		
<b>Recommendation</b>		
Support of this resolution is recommended.		

Richard Wade

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

CG

RESOLUTION NO. 08-268

A RESOLUTION IN SUPPORT OF THE LEGAL ACTION FILED BY THE STATE OF IOWA AGAINST THE NATIONAL INDIAN GAMING COMMISSION REGARDING THE CLASSIFICATION OF PROPERTY IN CARTER LAKE AS "RESTORED LANDS" MAKING THE PROPERTY GAMING ELIGIBLE.

WHEREAS, the action by the National Indian Gaming Commission classifying a parcel of land in Carter Lake as "restored lands" and thereby making the parcel gaming eligible was arbitrary, capricious, an abuse of discretion, not in accordance with the law, and without observance of procedures required by law; and

WHEREAS, the Ponca Tribe of Nebraska and the United States Department of Interior committed to the finding that the parcel of land in question was not restored lands eligible for gaming at the time of its receipt of trust status by the United States; and

WHEREAS, the action of the National Indian Gaming Commission's action has deprived the City of Council Bluffs, the County of Pottawattamie, and the State of Iowa of the opportunity to have their interests considered as part of the IGRA Section 20 process which the Tribe and United States Government committed would be required prior to any attempt by the Tribe to establish gaming on the parcel of land in questions; and

WHEREAS, it is the opinion of this City Council that Council Bluffs should support the action by the State of Iowa against the National Indian Gaming Commission.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its support of the State of Iowa in its action against the National Indian Gaming Commission which classified a parcel of land in Carter Lake "restored land" making it gaming eligible.

ADOPTED  
AND  
APPROVED September 8, 2008

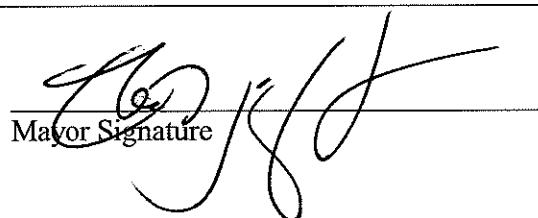
\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Judith Ridgeley, City Clerk

## Council Communication

Department: City Clerk	Ordinance No. _____	
Applicant.	Resolution No. <u>08-269</u>	Date: <u>Sept. 8, 2008</u>
<b>Subject/Title</b>		
<p>Resolution authorizing the Mayor and City Clerk to enter into a purchase agreement for a comprehensive content management system from Civic Systems, LLC</p>		
<b>Background/Discussion</b>		
<p>In November, 2007, representatives from the City Clerk's Office, Community Development, Mayor's Office, Public Works, Legal, and Information Technology formed a committee to meet and set parameters for a comprehensive content management system.</p> <p>City representatives put forward bid specifications for the system after canvassing staff that would be using the system.</p> <p>A request for proposal was sent and the five companies responded to the request proposal. The five companies were: WebDocs, LaserFiche, RADIX, Liberty IMS, and Civic Systems</p> <p>In February and March, 2008, City representatives watched demonstrations of systems from the four companies selected for further review.</p> <p>Of the products reviewed, Civic Systems, the SIRE software program, satisfied all City requirements and specifications with a single software program and several modules that would include: Agenda Plus, Minutes Plus, SIRE Workflow, SIRE forms, SIRE server core, SIRE server, capture, index, and auto index. Civic Systems was unanimously chosen by the committee researching the content management system.</p> <p>The system's budgeted cost (including software and extra hardware for all City departments) is \$125,000 which has been funded through a grant from the Iowa West Foundation.</p>		
<b>Recommendation</b>		
<p>Staff unanimously recommends City Council approve the purchase agreement for a content management system from Civic Systems and other hardware vendors in the amount of no more than \$125,000.</p>		

  
Department Head

  
Mayor Signature

G H

**Resolution No. 08-269**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A  
PURCHASE AGREEMENT FOR A COMPREHENSIVE CONTENT MANAGEMENT SYSTEM  
FROM CIVIC SYSTEMS LLC**

WHEREAS, the City has a need to purchase a comprehensive content management to serve the City's document imaging, records management, and workflow processing functions; and

WHEREAS, Staff of various City departments met as a committee and set specifications for a content management system; and

WHEREAS, a request for proposal was sent to document imaging companies and five (5) responses were received; and

WHEREAS, after viewing demonstrations and capabilities of the four companies' products selected for the review, the committee unanimously agreed that Civic Systems, LLC met and exceeded all City specifications and needs.

**NOW, THEREFORE, BE RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk be authorized to enter into a purchase agreement for a comprehensive content management system from Civic Systems, LLC.

ADOPTED  
AND  
APPROVED: September 8, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Judith H. Ridgeley, City Clerk



## SUMMARY OF SIRE PRODUCTS

### **Agenda Plus**

*Agenda Plus provides the ability to automate the agenda process for cities. Agenda Plus includes SIRE workflow, SIRE Forms, and SIRE Server.*

### **Minutes Plus**

*Minutes Plus provides the ability to take the roll call, motion, votes, minutes for a meeting. This is a per workstation license.*

### **SIRE Workflow**

*Provides electronic image routing through a configurable business process. There is no limit to the number of workflows nor to their complexity. Includes rules, actions, history, notifications and additional capabilities for VB scripts. Permits any number of workflows to be implemented by any number of departments and users within the enterprise..*

### **SIRE Forms**

*Allows for the creation, editing and publishing of online forms. This is an enterprise license.*

### **SIRE Server Core**

*This is a one time purchase for any size customer that provides the PDF, Full Text Retrieval and other server capabilities. This is required for all clients.*

### **SIRE Server Concurrent License**

*Provides full access to File Center (thick installation) and Web Center (thin installation). Provides network TCP/IP access to SIRE, management of the data repository, workflow, licensing agenda processing, COLD processing, e-mail processing, batch processing and utilities. Also provides searching and viewing over 250 file formats, adding documents to repository, editing index information, retention management and scheduling, task manager, event manager, folder packets, revision control, create workflows, participate in workflows, fill in forms and pricing. Offers use of authenticated digital signatures approval functionality.*

### **SIRE Read Only Concurrent**

*Provides authenticated access (log-in required) to SIRE with the ability to search, retrieve, view, print documents and fill in forms. Does not allow participation in a workflow processes. WebCenter only.*

### **SIRE Capture**

*Provides batch scanning and indexing of documents. Intended for use with high speed scanners and scanners connected to workstations. Includes Barcode recognition, Image Clean up, and automated indexing capabilities. Will work with Kofax and Twain Drivers. Also includes Enhanced Zone OCR capabilities, VRS, and remote scanning capabilities. This is a per user license and is not concurrent.*



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## Summary of SIRE Products

### **SIRE Index**

*Provides indexing of batches that have been scanned through Capture. This is intended for use on stations that do not have a scanner attached to them but will be using the station to index document batches after they have been scanned at another workstation. This license provides both manual and automated indexing capabilities. This is a per-user license and is not concurrent.*

### **SIRE Auto Index**

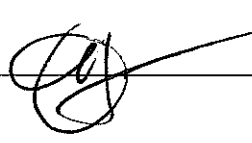
*Allows the setting up of Zone OCR and rules for automatically pulling indexing information from a scanned document in SIRE capture. The rules can be based off of key words on a page or different locations on a document.*



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## Council Communication

Department: Community Development Department	Resolution No. 08-08-270	Meeting Date: September 8, 2008
<b>Subject/Title</b>		
A resolution supporting the neighborhood center to establish a Council Bluffs office and to implement a five year neighborhood organization and capacity building initiative.		
<b>Background/Discussion</b>		
<p>The Neighborhood Center was established in 2001 with the mission to build capacity and strengthen neighborhoods throughout Douglas, Sarpy and Pottawattamie Counties. The Neighborhood Center implements this mission through: Training programs to help residents organize and operate effective neighborhood associations; Technical assistance and consultation services to individual neighborhood associations; Communication between neighborhoods, government officials and community initiatives; Research assistance; and Technology services for neighborhood associations needing computers and copies for newsletters and other neighborhood publications.</p> <p>With the assistance of the Iowa West Foundation (IWF), the Neighborhood Center is proposing to enhance efforts in Council Bluffs by establishing a larger presence in the community and to undertake a five year neighborhood organization and capacity building effort. Recognizing that the success of these efforts will be dependent on the support of the community including the cooperation and collaboration of the City of Council Bluffs, the Neighborhood Center is requesting a resolution of support prior to initiating the proposal. A resolution has been prepared and attached for your consideration.</p>		
<b>Recommendation</b>		
Approval of the resolution.		



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**RESOLUTION NO. 08-270**

**A RESOLUTION SUPPORTING THE NEIGHBORHOOD CENTER TO ESTABLISH A COUNCIL BLUFFS OFFICE AND TO IMPLEMENT A FIVE YEAR NEIGHBORHOOD ORGANIZATION AND CAPACITY BUILDING INITIATIVE.**

**WHEREAS,** the Neighborhood Center has the mission to build capacity and strengthen neighborhoods throughout Douglas, Sarpy and Pottawattamie Counties; and

**WHEREAS,** said mission is implemented by disseminating materials, holding leadership training workshops, and providing technical assistance to neighborhood organizations; and

**WHEREAS,** the Neighborhood Center proposes to enhance these efforts in Council Bluffs by establishing a larger presence in the community and to undertake a five year neighborhood organization and capacity building effort; and

**WHEREAS,** the success of these efforts is dependent on the support of the community including the cooperation and collaboration of the City of Council Bluffs; and

**WHEREAS,** it is the opinion of the City Council that it would be in the best interest of the City to support the Neighborhood Center to successfully implement the proposed initiative.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City Council hereby supports the Neighborhood Center's proposal to initiate a neighborhood organization and capacity building effort in Council Bluffs.

APPROVED  
AND

ADOPTED: September 8, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith Ridgeley

City Clerk